

ESSB 6427 - H COMM AMD
By Committee on Local Government

ADOPTED 03/03/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** There is a statewide interest in
4 maintaining coordinated planning as called for in the legislative
5 findings of the growth management act, RCW 36.70A.010. It is the
6 intent of the legislature that smaller, slower-growing counties and
7 cities be provided with flexibility in meeting the requirements to
8 review local plans and development regulations in RCW 36.70A.130, while
9 ensuring coordination and consistency with the plans of neighboring
10 cities and counties.

11 **Sec. 2.** RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are
12 each reenacted and amended to read as follows:

13 (1)(a) Each comprehensive land use plan and development regulations
14 shall be subject to continuing review and evaluation by the county or
15 city that adopted them. Except as otherwise provided, a county or city
16 shall take legislative action to review and, if needed, revise its
17 comprehensive land use plan and development regulations to ensure the
18 plan and regulations comply with the requirements of this chapter
19 according to the time periods specified in subsection (4) of this
20 section.

21 (b) Except as otherwise provided, a county or city not planning
22 under RCW 36.70A.040 shall take action to review and, if needed, revise
23 its policies and development regulations regarding critical areas and
24 natural resource lands adopted according to this chapter to ensure
25 these policies and regulations comply with the requirements of this
26 chapter according to the time periods specified in subsection (4) of
27 this section. Legislative action means the adoption of a resolution or
28 ordinance following notice and a public hearing indicating at a

1 minimum, a finding that a review and evaluation has occurred and
2 identifying the revisions made, or that a revision was not needed and
3 the reasons therefor.

4 (c) The review and evaluation required by this subsection may be
5 combined with the review required by subsection (3) of this section.
6 The review and evaluation required by this subsection shall include,
7 but is not limited to, consideration of critical area ordinances and,
8 if planning under RCW 36.70A.040, an analysis of the population
9 allocated to a city or county from the most recent ten-year population
10 forecast by the office of financial management.

11 (d) Any amendment of or revision to a comprehensive land use plan
12 shall conform to this chapter. Any amendment of or revision to
13 development regulations shall be consistent with and implement the
14 comprehensive plan.

15 (2)(a) Each county and city shall establish and broadly disseminate
16 to the public a public participation program consistent with RCW
17 36.70A.035 and 36.70A.140 that identifies procedures and schedules
18 whereby updates, proposed amendments, or revisions of the comprehensive
19 plan are considered by the governing body of the county or city no more
20 frequently than once every year. "Updates" means to review and revise,
21 if needed, according to subsection (1) of this section, and the time
22 periods specified in subsection (4) of this section or in accordance
23 with the provisions of subsections (5) and (8) of this section.
24 Amendments may be considered more frequently than once per year under
25 the following circumstances:

26 (i) The initial adoption of a subarea plan that does not modify the
27 comprehensive plan policies and designations applicable to the subarea;

28 (ii) The adoption or amendment of a shoreline master program under
29 the procedures set forth in chapter 90.58 RCW;

30 (iii) The amendment of the capital facilities element of a
31 comprehensive plan that occurs concurrently with the adoption or
32 amendment of a county or city budget; ~~((and))~~

33 (iv) Until June 30, 2006, the designation of recreational lands
34 under RCW 36.70A.1701. A county amending its comprehensive plan
35 pursuant to this subsection (2)(a)(iv) may not do so more frequently
36 than every eighteen months; and

37 (v) The adoption of comprehensive plan amendments necessary to
38 enact a planned action under RCW 43.21C.031(2), provided that

1 amendments are considered in accordance with the public participation
2 program established by the county or city under this subsection (2)(a)
3 and all persons who have requested notice of a comprehensive plan
4 update are given notice of the amendments and an opportunity to
5 comment.

6 (b) Except as otherwise provided in (a) of this subsection, all
7 proposals shall be considered by the governing body concurrently so the
8 cumulative effect of the various proposals can be ascertained.
9 However, after appropriate public participation a county or city may
10 adopt amendments or revisions to its comprehensive plan that conform
11 with this chapter whenever an emergency exists or to resolve an appeal
12 of a comprehensive plan filed with a growth management hearings board
13 or with the court.

14 (3)(a) Each county that designates urban growth areas under RCW
15 36.70A.110 shall review, at least every ten years, its designated urban
16 growth area or areas, and the densities permitted within both the
17 incorporated and unincorporated portions of each urban growth area. In
18 conjunction with this review by the county, each city located within an
19 urban growth area shall review the densities permitted within its
20 boundaries, and the extent to which the urban growth occurring within
21 the county has located within each city and the unincorporated portions
22 of the urban growth areas.

23 (b) The county comprehensive plan designating urban growth areas,
24 and the densities permitted in the urban growth areas by the
25 comprehensive plans of the county and each city located within the
26 urban growth areas, shall be revised to accommodate the urban growth
27 projected to occur in the county for the succeeding twenty-year period.
28 The review required by this subsection may be combined with the review
29 and evaluation required by RCW 36.70A.215.

30 (4) The department shall establish a schedule for counties and
31 cities to take action to review and, if needed, revise their
32 comprehensive plans and development regulations to ensure the plan and
33 regulations comply with the requirements of this chapter. Except as
34 provided in subsections (5) and (8) of this section, the schedule
35 established by the department shall provide for the reviews and
36 evaluations to be completed as follows:

37 (a) On or before December 1, 2004, and every seven years

1 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
2 Snohomish, Thurston, and Whatcom counties and the cities within those
3 counties;

4 (b) On or before December 1, 2005, and every seven years
5 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and
6 Skamania counties and the cities within those counties;

7 (c) On or before December 1, 2006, and every seven years
8 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
9 Yakima counties and the cities within those counties; and

10 (d) On or before December 1, 2007, and every seven years
11 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
12 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
13 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
14 within those counties.

15 (5)(a) Nothing in this section precludes a county or city from
16 conducting the review and evaluation required by this section before
17 the time limits established in subsection (4) of this section.
18 Counties and cities may begin this process early and may be eligible
19 for grants from the department, subject to available funding, if they
20 elect to do so.

21 (b) A county that is subject to a schedule established by the
22 department under subsection (4)(b) through (d) of this section and
23 meets the following criteria may comply with the requirements of this
24 section at any time within the thirty-six months following the date
25 established in the applicable schedule: The county has a population of
26 less than fifty thousand and has had its population increase by no more
27 than seventeen percent in the ten years preceding the date established
28 in the applicable schedule as of that date.

29 (c) A city that is subject to a schedule established by the
30 department under subsection (4)(b) through (d) of this section and
31 meets the following criteria may comply with the requirements of this
32 section at any time within the thirty-six months following the date
33 established in the applicable schedule: The city has a population of
34 no more than five thousand and has had its population increase by the
35 greater of either no more than one hundred persons or no more than
36 seventeen percent in the ten years preceding the date established in
37 the applicable schedule as of that date.

1 (d) State agencies are encouraged to provide technical assistance
2 to the counties and cities in the review of critical area ordinances,
3 comprehensive plans, and development regulations.

4 (6) A county or city subject to the time periods in subsection
5 (4)(a) of this section that, pursuant to an ordinance adopted by the
6 county or city establishing a schedule for periodic review of its
7 comprehensive plan and development regulations, has conducted a review
8 and evaluation of its comprehensive plan and development regulations
9 and, on or after January 1, 2001, has taken action in response to that
10 review and evaluation shall be deemed to have conducted the first
11 review required by subsection (4)(a) of this section. Subsequent
12 review and evaluation by the county or city of its comprehensive plan
13 and development regulations shall be conducted in accordance with the
14 time periods established under subsection (4)(a) of this section.

15 (7) The requirements imposed on counties and cities under this
16 section shall be considered "requirements of this chapter" under the
17 terms of RCW 36.70A.040(1). Only those counties and cities (~~in~~
18 ~~compliance~~): (a) Complying with the schedules in this section (~~and~~
19 ~~those counties and cities~~); (b) demonstrating substantial progress
20 towards compliance with the schedules in this section for development
21 regulations that protect critical areas; or (c) complying with the
22 extension provisions of subsection (5)(b) or (c) of this section may
23 receive grants, loans, pledges, or financial guarantees from those
24 accounts established in RCW 43.155.050 and 70.146.030. A county or
25 city that is fewer than twelve months out of compliance with the
26 schedules in this section for development regulations that protect
27 critical areas is (~~deemed to be~~) making substantial progress towards
28 compliance. Only those counties and cities in compliance with the
29 schedules in this section may receive preference for grants or loans
30 subject to the provisions of RCW 43.17.250.

31 (8) Except as provided in subsection (5)(b) and (c) of this
32 section:

33 (a) Counties and cities required to satisfy the requirements of
34 this section according to the schedule established by subsection (4)(b)
35 through (d) of this section may comply with the requirements of this
36 section for development regulations that protect critical areas one
37 year after the dates established in subsection (4)(b) through (d) of
38 this section(~~(-)~~);

1 (b) Counties and cities complying with the requirements of this
2 section one year after the dates established in subsection (4)(b)
3 through (d) of this section for development regulations that protect
4 critical areas shall be deemed in compliance with the requirements of
5 this section(~~(-)~~); and

6 (c) This subsection (8) applies only to the counties and cities
7 specified in subsection (4)(b) through (d) of this section, and only to
8 the requirements of this section for development regulations that
9 protect critical areas that must be satisfied by December 1, 2005,
10 December 1, 2006, and December 1, 2007.

11 (9) Notwithstanding subsection (8) of this section and the
12 substantial progress provisions of subsections (7) and (10) of this
13 section, only those counties and cities complying with the schedule in
14 subsection (4) of this section, or the extension provisions of
15 subsection (5)(b) or (c) of this section, may receive preferences for
16 grants, loans, pledges, or financial guarantees from those accounts
17 established in RCW 43.155.050 and 70.146.030.

18 (10) Until December 1, 2005, and notwithstanding subsection (7) of
19 this section, a county or city subject to the time periods in
20 subsection (4)(a) of this section demonstrating substantial progress
21 towards compliance with the schedules in this section for its
22 comprehensive land use plan and development regulations may receive
23 grants, loans, pledges, or financial guarantees from those accounts
24 established in RCW 43.155.050 and 70.146.030. A county or city that is
25 fewer than twelve months out of compliance with the schedules in this
26 section for its comprehensive land use plan and development regulations
27 is deemed to be making substantial progress towards compliance."

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